

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RECEIVED

JAMES OTIS CATER  
Petitioner,  
V.

2007 AUG 17 P 3:11

DARLENE DREW, Warden,  
FPC Montgomery  
Respondent.

DEBRA P. HACKBARTH  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA  
Civil Action No. 2:07CV739-MEF  
(to be assigned)

Criminal Action No.  
92-00135, U.S. District  
Court, Southern District  
of Alabama

DECLARATION IN SUPPORT OF REQUEST  
TO PROCEED IN FORMA PAUPERIS

Case No. \_\_\_\_\_

I, James Otis Cater declare that I am the Petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fee, costs or give security therefor, I stat that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, that I believe I am entitled to relief.

1. A. Are you presently employed? ☒ Yes ☐ No  
If answer is "yes," State the amount of your salary or wages per month and give the name and address of your employer.

\$40 monthly, FPC Montgomery, Maxwell Air Force Base,  
Montgomery, AL 36112

- B. If the answer if "no," state the date of last employment, and the amount of salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the followingg sources?

- A. Business, profession or form of self-employment?

Yes ☒ No

- B. Rent payments, interest or dividends?

Yes ☒ No

- C. Pensions, annuities or life insurance payments?

Yes ☒ No

- D. Gifts or inheritances?

Yes ☒ No

- E. Any other sources?

☒ Yes ☐ No

No. 2:07cv 739-MEF

(Case No. to be assigned)

RECEIVED

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2007 AUG 17 A 9:15

CECILIA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

JAMES OTIS CATER PETITIONER

VS.

DARLENE DREW, Warden, FPC Montgomery RESPONDENT

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

The petitioner asks leave to file the attached petition for writ of habeas corpus without prepayment of cost and to proceed in forma pauperis.

[ ] Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

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[x] Petitioner has **not** previously been granted leave to proceed in forma pauperis in any court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

DATE 8/15/07

  
James Otis Cater  
Reg. No. 04999-003  
FPC Montgomery  
Maxwell Air Force Base  
Montgomery, AL 36112

## Inmate Statement



**Inmate Reg #:** 04999003 **Current Institution:** Montgomery FPC  
**Inmate Name:** CATER, JAMES **Housing Unit:** MON-M-H  
**Report Date:** 08/15/2007 **Living Quarters:** M08-007L  
**Report Time:** 3:33:13 PM

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction	Encumbrance
						Amount	Amount Ending Balance
MON	8/15/2007	15			Sales	(\$1.60)	\$47.18
	11:14:08 AM						
MON	8/15/2007	14			Sales	(\$40.10)	\$48.78
	11:10:35 AM						
MON	8/9/2007	44			Sales	(\$6.50)	\$88.88
	2:25:00 PM						
MON	8/9/2007	40			Sales	(\$24.90)	\$95.38
	2:11:38 PM						
MON	8/4/2007	TFN0804			Phone Withdrawal	(\$15.00)	\$120.28
	8:13:31 PM						
MON	8/3/2007	GIPP0707			Payroll - IPP	\$42.63	\$135.28
	11:02:07 AM						
MON	8/1/2007	12			Sales	(\$33.00)	\$92.65
	10:56:54 AM						
MON	7/26/2007	7			Sales	(\$29.30)	\$125.65
	10:51:10 AM						
MON	7/18/2007	28			Sales	(\$2.55)	\$154.95
	1:31:37 PM						
MON	7/18/2007	18			Sales	(\$30.65)	\$157.50
	11:18:38 AM						
MON	7/16/2007	70187203			Lockbox - CD	\$25.00	\$188.15
	5:10:11 AM						
MON	7/11/2007	21			Sales	(\$57.55)	\$163.15
	11:10:04 AM						
MON	7/6/2007	GIPP0607			Payroll - IPP	\$42.63	\$220.70
	10:21:46 AM						
MON	7/5/2007	13			Sales	(\$52.30)	\$178.07
	11:14:51 AM						
MON	6/28/2007	19			Sales	(\$30.15)	\$230.37
	10:54:14 AM						
MON	6/23/2007	TFN0623			Phone Withdrawal	(\$8.00)	\$260.52
	2:04:08 PM						
MON	6/22/2007	70185701			Lockbox - CD	\$100.00	\$268.52
	5:13:13 AM						
MON	6/21/2007	54			Sales	(\$61.10)	\$168.52
	3:11:55 PM						
MON	6/19/2007	GITS2CNV			Phone Rev With Rel	\$0.55	\$229.62
	10:44:39 AM						
MON	6/18/2007	70185303			Lockbox - CD	\$50.00	\$229.07
	5:14:37 AM						
MON	6/13/2007	28			Sales	(\$46.95)	\$179.07
	11:46:15 AM						
MON	6/9/2007	70184801			Lockbox - CD	\$200.00	\$226.02
	5:18:00 AM						
MON	6/7/2007	84			Sales	(\$21.10)	\$26.02
	6:07:48 PM						
MON	6/4/2007	GIPP0507			Payroll - IPP	\$46.40	\$47.12
	9:10:24 AM						
MON	5/31/2007	97			Sales	(\$16.95)	\$0.72
	7:14:12 PM						
MON	5/23/2007	21			Sales	(\$38.65)	\$17.67
	2:17:57 PM						
MON	5/16/2007	74			Sales	(\$39.15)	\$56.32
	6:30:55 PM						
MON	5/9/2007	56			Sales	(\$34.60)	\$95.47
	5:49:00 PM						
MON	5/4/2007	GIPP0407			Payroll - IPP	\$42.63	\$130.07
	8:45:24 AM						
MON	5/2/2007	81			Sales	(\$24.35)	\$87.44
	5:51:34 PM						
MON	4/19/2007	77			Sales	(\$34.95)	\$111.79
	5:37:27 PM						
MON	4/12/2007	33313907			Western Union	\$100.00	\$146.74
	12:06:17 PM						
MON	4/11/2007	83			Sales	(\$108.90)	\$46.74
	5:25:47 PM						

MON	Date	Alpha Code	Description	Debit	Credit	Balance
MON	4/6/2007	GIPO307	Payroll - IPP	\$44.66		\$155.64
MON	8:56:36 AM					
MON	4/5/2007	ITS0405	Phone Withdrawal	(\$17.00)		\$110.98
MON	8:51:02 PM					
MON	4/4/2007	735	SPO - Released		\$112.70	-----
MON	11:36:32 AM					
MON	4/4/2007	15	Sales	(\$147.65)		\$127.98
MON	11:36:32 AM					
MON	3/15/2007	22	Sales	(\$34.45)		\$275.63
MON	10:47:08 AM					
MON	3/15/2007	735	SPO		(\$112.70)	-----
MON	10:02:54 AM					
MON	3/12/2007	ITS0312	Phone Withdrawal	(\$15.00)		\$310.08
MON	8:36:38 PM					
MON	3/5/2007	15	Sales	(\$45.50)		\$325.08
MON	10:39:26 AM					
MON	3/2/2007	GIPO207	Payroll - IPP	\$38.57		\$370.58
MON	8:49:20 AM					
MON	2/26/2007	ITS0226	Phone Withdrawal	(\$10.00)		\$332.01
MON	8:17:25 PM					
MON	2/24/2007	70177401	Lockbox - CD	\$150.00		\$342.01
MON	5:10:59 AM					
MON	2/22/2007	32	Sales	(\$23.50)		\$192.01
MON	11:11:10 AM					
MON	2/14/2007	70176701	Lockbox - CD	\$75.00		\$215.51
MON	7:17:00 AM					
MON	2/8/2007	95	Sales	(\$1.55)		\$140.51
MON	5:45:32 PM					
MON	2/8/2007	452	SPO - Released		\$90.85	-----
MON	5:43:14 PM					
MON	2/8/2007	450	SPO - Released		\$56.60	-----
MON	5:43:14 PM					
MON	2/8/2007	94	Sales	(\$148.45)		\$142.06
MON	5:43:14 PM					

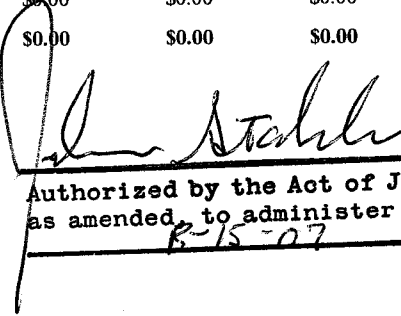
12

Total Transactions: 77

Totals: (\$70.23) \$0.00

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
MON	\$47.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$47.18
Totals:	\$47.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$47.18

 , Case Manager  
 Authorized by the Act of July 7, 1955,  
 as amended, to administer oaths (18 U.S.C. 4004)  
 8-15-07 , Date